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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,772	12/01/2000	Joseph F. Brunner JR.	0002-01	3493

7590 09/21/2005

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EXAMINER

CZEKAJ, DAVID J

ART UNIT	PAPER NUMBER
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2613

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/728,772	Applicant(s) BRUNNER, JOSEPH F.	
	Examiner Dave Czekaj	Art Unit 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

On page 8, applicant argues that Houska fails to disclose a vibration-dampening layer. While the applicant's points are understood, the examiner respectfully disagrees. See for example, Houska column 5, lines 50-55. There Houska discloses a foam sleeve which is placed around a camera to dampen the vibrations of the airplane so the vibrations won't be evident on the video. Therefore the rejection has been maintained.

The examiner would like to note that the limitation reciting "the space is completely filled with the filler" was previously considered in the last action. Therefore simply stating this fact does not help further limit the claim in the current deliberation.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sankrithi et al (6405975), (hereinafter referred to as "Sankrithi") in view of Houska et al (6542181), (hereinafter referred to as "Houska").

Regarding claim 1, Sankrithi discloses an apparatus that aides in the maneuvering of airplanes (Sankrithi: column 1, lines 66-67). This apparatus comprises "a housing including a flange and receptacle, the flange being configured to complement the topography of the aircraft, the receptacle having

an opening and an inner surface" (Sankrithi: figure 10, column 9, lines 1-22, wherein the flange is the bracket and pin assembly (items 444 and 442) which are shown to complement or conform to the topography of the aircraft, the receptacle is the camera housing (item 448) wherein the opening is the end of the housing which contains the lens (item 450) and the inner surface is item 448), "a window fixed within the opening of the receptacle" (Sankrithi: figure 10, item 450, wherein the window is the lens), and "a camera disposed within the receptacle having optical communication with the window, a space being defined between the camera and inner surface of the receptacle" (Sankrithi: figure 10, column 9, lines 1-22, wherein the camera is item 440, the receptacle is the camera housing, the space between the camera and inner surface is indicated in item 448). Although Sankrithi does show a filler disposed within the receptacle (Sankrithi: figure 9, item 422, wherein the filler is the roller), Sankrithi lacks the filler providing the camera with a surrounding vibration-dampening layer as claimed. Houska teaches that a vibration dampening filler prevents vibrations from being evident on video (Houska: column 5, lines 50-55, wherein the vibration dampening filler is the foam sleeve). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Sankrithi and add the filler taught by Houska in order to obtain an apparatus that provides better quality video by removing the vibrations.

Regarding claim 4, Sankrithi discloses a “heater configured to heat the window” (Sankrithi: figure 10, item 456, column 9, lines 18-22, wherein the window is the lens).

Regarding claims 5 and 8, Sankrithi discloses that the heater includes “a conductive film disposed upon the window” (Sankrithi: column 9, lines 18-22, wherein the conductive film is the conductive coating, the window is the lens). Although Sankrithi does not show a pair of wires connected to the film, one of ordinary skill in the art would realize that in order to supply heat to the conductive film, at least one pair of wires is needed (power and ground)).

Regarding claims 6 and 9, Sankrithi discloses “the window includes sapphire” (Sankrithi: column 9, lines 8-9, wherein the window is the lens).

Regarding claims 7 and 10, note the examiners rejection for claims 1 and 4.

3. Claims 2-3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sankrithi et al (6405975), (hereinafter referred to as “Sankrithi”) in view of Houska et al (6542181), (hereinafter referred to as “Houska”) in further view of Bauer et al. (5689734), (hereinafter referred to as “Bauer”).

Regarding claims 2-3 and 11-12, note the examiners rejection for claim 1, and in addition, claims 2-3 and 11-12 differ from claim 1 in that claims 2-3 and 11-12 further require the filler to be an adhesive compound or epoxy. Bauer teaches that it is a common practice to seal a camera with a filler or epoxy/adhesive compound to prevent the fouling of the camera internals (Bauer:

column 1, lines 32-35, wherein the epoxy is the adhesive compound). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to take the apparatus disclosed by Sankrithi, add the vibration-dampening filler taught by Houska, and add the epoxy/adhesive compound taught by Bauer in order to obtain an apparatus that better protects the camera from use in extreme conditions.

Regarding claim 13, note the examiners rejection for claims 2-3 and 11-12, and in addition, Houska discloses "a filler including an adhesive compound disposed in the space such that the space is completely filled with the filler to seal the camera within the receptacle and such that the filler provides the camera with a surrounding vibration-dampening layer of filler" (Houska: column 5, lines 50-55, wherein the filler is the foam sleeve which is shown in figure 10a to completely fill the space. The examiner notes that it is well known within the art to use an adhesive to securely fasten items together, such as the foam sleeve to the enclosure).

Conclusion

4. This is a continuation of applicant's earlier Application No. 09728772. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dave Czekaj whose telephone number is (571) 272-7327. The examiner can normally be reached on Monday - Friday 9 hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mehrdad Dastouri can be reached on (571) 272-7418. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DJC


VULE
PRIMARY EXAMINER